

REMARKS

Claims 1-96 remain pending in the subject application. Claims 1-49, 54, and 76-96 have been withdrawn from consideration. Claim 50 is the only independent claim under rejection.

Applicants gratefully acknowledge the indication that Claims 67-75 contain allowable subject matter, being objected to merely as being dependent upon a rejected base claim. Nevertheless, for at least the following reasons, it is respectfully submitted that all Claims 50-53 and 55-75 are now in allowable condition.

Claims 50, 51, 52, and 55-61 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,017,009 (Swartz et al.) Claims 53 and 62-64 were rejected under 35 U.S.C. § 103(a) as being obvious in view of Swartz et al. These rejections are respectfully traversed.

Claim 50 is directed to a support system comprising a support post, a wedge member having a tapered portion, located on the support post, and a securing portion, and support means for adjustably supporting a member to the support post. The support means includes a locking mechanism movable between a first position (*e.g.*, locked position) for press-fitting the wedge member against the support post and a second position (*e.g.*, unlocked position) for releasing the press-fitting. The locking mechanism has a surface that abuts the wedge member when in the first position thereby to effect the press-fitting and that is released from the wedge member when moved to the second position to release the press-fitting. Moreover, the locking mechanism cooperates with the securing portion of the wedge member so that the wedge member and the support means remain engaged with one another even when the support means is in the second position.

These features may be understood by referring, for example, to the specification at paragraphs [0082] and [0110]. The wedge members and the support means, *e.g.*, the collars and the flippers, remain engaged with one another, even when the support means is in the unlocked position. The operation of the flipper, which permits height adjustment of the shelf, may be achieved without having the problem of loose wedge members because the wedge member includes structure forming a securing portion that ensures that the wedge member is trapped within the corner support assembly and will not slip out of the corner support assembly when the corner support assembly is in an unlocked position. It is to be understood, of course, that the scope of Claim 50 is not limited to the details of this embodiment.

Swartz et al., on the other hand, discloses a shelf support assembly in which, in order to adjust the height of a shelf, a second set of wedge members is clipped into the support posts at the desired new height. The flippers on the shelf are subsequently unlocked releasing the first set of wedge members and allowing the shelf to be raised or lowered to the desired height. Once the desired height is reached, the flippers are locked on to the second set of wedge members. *See* col. 9, ln 51 - col. 10, ln 3. Thus, the wedge members, as described in Swartz et al., are clearly separated from the flippers and collars during the adjustment of the shelf.

It is well-established that “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” M.P.E.P. § 2131 (quoting *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)) (emphasis added). As indicated above, Swartz et al. does not describe or suggest that the locking mechanism

cooperating with the securing portion of the wedge member so that the wedge member and the support means remain engaged with one another even when the support means is in the second position, as mentioned in Claim 50.

Accordingly, it is respectfully submitted that Claim 50 is patentable over Swartz et al.

One basic criterion that must be met to establish a *prima facie* case of obviousness is that the prior reference must teach or suggest all the claim limitations. M.P.E.P. § 2143. Claims 53 and 62-64 depend from independent Claim 50. As mentioned above, Swartz et al. does not teach or suggest the claim limitation that the locking mechanism cooperating with the securing portion of the wedge member so that the wedge member and the support means remain engaged with one another even when the support means is in the second position, as mentioned in Claim 50. Moreover, Applicants respectfully traverse the Examiner's assertion that "the specific shape of the post, and the mating surfaces of the wedge and the post are considered to be obvious matter of engineering choice having no patentable significance." To the extent that the Examiner is relying on common knowledge in the art, Applicants respectfully request that the Examiner cite a reference in support of this position, in accordance with M.P.E.P. § 2144.03.

Accordingly, it is respectfully submitted that Claims 53 and 62-64 are patentable over Swartz et al.

The other claims under consideration in this application are each dependent from the independent claim discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of

the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing remarks, favorable reconsideration and early passage of the subject application to issue are respectfully requested.

Applicants' attorney of record may be reached in our New York office by telephone at 212-218-2100. All correspondence should continue to be directed our below listed address.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Leonard P. Diana", written over a horizontal line.

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